

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-084-JJF
	)	
Warden THOMAS CARROLL, C/O	)	
BAMBIE THOMAS, C/O JAMES	)	
GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**AFFIDAVIT OF BAMBIE THOMAS**

I, Bambie Thomas, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a correction officer. I have been employed by the Department of Correction for 10 years. My duties include Correctional Sergeant. I have held this position since March 2002.
2. In response to a request from the State of Delaware Department of Justice, I am providing the following information regarding inmate Monty Pepper's legal phone calls.
3. The procedure for an inmate requesting legal phone calls to an attorney involves three steps. First, the inmate writes the attorney's name and phone number on a piece of paper, there are no specific forms for requesting legal phone calls, and the inmate then gives the paper to the lead worker, usually a Sergeant and then forwards the request to the Lieutenants office. Second, the Lieutenant or his designee (lead worker) then calls the attorney to set up a time for the attorney and inmate to speak on the phone. This is done to ensure that the attorney will be

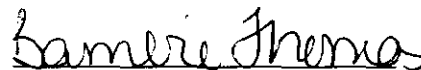
available when the inmate is taken from his cell to the room where he can speak privately with the attorney. After the phone appointment has been scheduled, the inmate is notified. At the time of the appointment, the connection is made with the attorney and the inmate is taken to the recreation room where he can have a private conversation alone.

4. In the autumn of 2004, inmate Pepper made a request for a call to attorney Beth Savitz. According to procedure for assisting inmates in making calls to their attorneys, I first called Ms. Savitz's office to arrange an appointment for her to speak with inmate Pepper over the phone. Ms. Savitz's secretary stated that Ms. Savitz was involved in a murder trial and would not be able to speak with inmate Pepper for several weeks. This response was reported to inmate Pepper.

5. On another occasion, after the first call to Ms. Savitz, inmate Pepper requested another call to the attorney. This time, when I placed the call to Ms. Savitz's office, I was informed that Ms. Savitz filed a motion to withdraw as inmate Pepper's attorney. Therefore, she was not going to arrange to speak with him. This response was reported to inmate Pepper.

6. Inmate Pepper continues to have access to legal phone calls if he has an attorney who will accept his calls.

7. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

  
Bamie Thomas

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20<sup>th</sup> DAY OF January  
2006

Brian D. Egan  
Notary